

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Jean Paul Lozada	Team: Squad #3	CCRB Case #: 201404219	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Tuesday, 04/29/2014 10:15 PM	Location of Incident: Livermore Avenue and Garrison Avenue	Precinct: 121	18 Mo. SOL 10/29/2015	EO SOL 10/29/2015	
Date/Time CV Reported	CV Reported At: Precinct	How CV Reported: In-person	Date/Time Received at CCRB Thu, 05/01/2014 4:56 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Vincent Agostino	25992	945355	NAR DIV
2. POM Ricky Alexander	12750	943996	121 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM John Reinhold	06703	933240	DB GLD
2. POM Michael Ruby	06018	937452	DB GLD

Officer(s)	Allegation	Investigator Recommendation
A.POM Ricky Alexander	Abuse: PO Ricky Alexander stopped the car in which § 87(2)(b) was an occupant.	
B.POM Vincent Agostino	Abuse: PO Vincent Agostino stopped the car in which § 87(2)(b) was an occupant.	
C.POM Ricky Alexander	Discourtesy: PO Ricky Alexander spoke rudely to § 87(2)(b) and § 87(2)(b)	
D.POM Vincent Agostino	Discourtesy: PO Vincent Agostino spoke rudely to § 87(2)(b) and § 87(2)(b)	
E.POM Ricky Alexander	Abuse: PO Ricky Alexander threatened to damage § 87(2)(b)'s property.	
F.POM Ricky Alexander	Abuse: PO Ricky Alexander threatened § 87(2)(b) and § 87(2)(b) with the use of force.	

Case Summary

On April 29, 2014, at approximately 10:15 p.m., § 87(2)(b) and § 87(2)(b) were in § 87(2)(b)'s car on Garrison Avenue near Livermore Avenue in Staten Island when an unmarked white sedan stopped next to them. PO Ricky Alexander (the passenger) and PO Vincent Agostino (the driver) exited their vehicle and allegedly ordered them to "get the fuck out of the car." (**Allegations A, B, C, and D**) § 87(2)(b) and § 87(2)(b) did not realize they were officers and thought they were being robbed, so § 87(2)(b) drove away. After driving for one block, the unmarked vehicle pulled § 87(2)(b) over, at which point § 87(2)(b) and § 87(2)(b) realized they were officers. § 87(2)(b) pulled over the officers accused them of doing drugs, which they denied. PO Alexander allegedly said he had a right to break § 87(2)(b)'s window (**Allegation E**) because he did not seem startled and that he had permission to shoot at them (**Allegation F**) because they were engaged in a "high speed chase." PO Alexander also allegedly said that if something went wrong, § 87(2)(b)'s and § 87(2)(b)'s christening photos would have appeared in the Staten Island Advance in an article about "two asshole cops" that shot "two innocent angels." (**Allegation F cont'd**). § 87(2)(b) and § 87(2)(b) alleged that over the course of the encounter, PO Alexander said, "Get out of the car. Why are you so fucking stupid? You're revving the fucking engine," "Shut the fuck up, you can't speak," "Don't lie, you fucking idiot, you saw my badge," "Shut the fuck up," and, "Fucking stupid." (**Allegation C cont'd**) The officers left the scene without requesting their identification or issuing any summonses.

Mediation, Civil and Criminal Histories

- § 87(2)(b) and § 87(2)(b) both accepted mediation.
- Neither § 87(2)(b) nor § 87(2)(b) has prior criminal convictions.
- A FOIL request for any notice of claim filed by § 87(2)(b) or § 87(2)(b) with respect to this incident was sent to the NYC Comptroller's office on January 15, 2015 (encl. 28f-i). Any responsive notice of claim will be added to the case file upon receipt.

Civilian and Officer CCRB Histories

- This is the first CCRB complaint filed by § 87(2)(b) (encl. 1C) and § 87(2)(b) (encl. 1D).
- PO Alexander has been a member of the NYPD for 8 years and has had 7 previous CCRB allegations involving 3 cases with no substantiated allegations. § 87(2)(g)
- PO Agostino has been a member of the NYPD for 7 years and has had 8 previous CCRB allegations involving 4 cases with no substantiated allegations. § 87(2)(g)

Finding and Recommendations

Explanation of Subject Officer Identification

§ 87(2)(b) and § 87(2)(b) were stopped by two officers in plainclothes in an unmarked white sedan. § 87(2)(b) described the passenger as a white male in his late 20s or early 30s who was 5'10" to 5'11" tall, weighed 180 to 190 pounds, and had a chunky build, brown hair, and 5 o'clock shadow. § 87(2)(b) described the driver as a 28- to 30-year-old white male who was 6'0" tall, weighed 170 to 180 pounds, and had a tall and skinny build and brown hair. Documents were obtained from the 121st Precinct (encl. 10A-15P), Patrol Borough Staten Island Street Unit (encl. 16A-19I), Gang Squad Staten Island (encl. 20A-23A), and Narcotics Borough Staten Island (encl. 24A-26C). No documents were located documenting an interaction between § 87(2)(b) and § 87(2)(b) and officers or any incident occurring at the time and place they specified. No unmarked white sedans were assigned to the above commands on the incident date (encl. 28I).

On December 29, 2014, single-shot photo viewings were conducted with § 87(2)(b) and § 87(2)(b). Photographs of 15 officers identified as potential subject officers (encl. 9A) were presented to § 87(2)(b) and § 87(2)(b). § 87(2)(b) did not identify any of these officers as being present during the incident (encl. 14F-U). § 87(2)(b) identified PO Ricky Alexander of the 121st Precinct as the passenger and either PO Vincent Agostino of the 121st Precinct or PO John Reinhold of PBSI SU as the driver (encl. 3H-W). PO Reinhold presented documentary evidence placing him elsewhere at the time of the incident (encl. 7A-D). PO Alexander and PO Agostino were partners at the time of the incident, but they stated that they never interacted with § 87(2)(b) or § 87(2)(b) (encl. 5A-6D). Neither PO Agostino nor PO Alexander presented documentary evidence placing them elsewhere at the time of the incident (encl. 5A-6D). PO Alexander is a § 87(2)(b)-old white male who is 5'10" tall, weighs 230 pounds, and has brown hair and a heavy build. On the date of his interview, PO Alexander had 5 o'clock shadow (encl. 6C). PO Agostino is a § 87(2)(b)-old white male who is 6'2" tall, weighs 200 pounds, and has brown hair and a slim to average build (encl. 5C). § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Recommendation

Allegation A – PO Ricky Alexander stopped the car in which § 87(2)(b) was an occupant.

Allegation B – PO Vincent Agostino stopped the car in which § 87(2)(b) was an occupant.

Allegation C – PO Ricky Alexander spoke rudely to § 87(2)(b) and § 87(2)(b)

Allegation D – PO Vincent Agostino spoke rudely to § 87(2)(b)

Allegation E – PO Ricky Alexander threatened to damage § 87(2)(b)'s property.

Allegation F – PO Ricky Alexander threatened § 87(2)(b) and § 87(2)(b) with the use of force.

§ 87(2)(b) and § 87(2)(b) alleged that PO Alexander and PO Agostino ordered them to "Get the fuck out the car." PO Alexander allegedly said he had a right to break § 87(2)(b)'s window because he did not seem startled and that he had permission to shoot at them because they were engaged in a "high speed chase." PO Alexander also allegedly said that if something went wrong, § 87(2)(b)'s and § 87(2)(b)'s christening photos would have appeared in the Staten Island Advance in an article about "two asshole cops" that shot "two innocent angels." § 87(2)(b) and § 87(2)(b) alleged that over the course of the encounter, PO Alexander said, "Get out of the car. Why are you so fucking stupid? You're revving the fucking engine," "Shut the fuck up, you can't speak," "Don't lie, you fucking idiot, you saw my badge," "Shut the fuck up," and, "Fucking stupid." PO Alexander and PO Agostino denied all of the above allegations and stated that they never interacted with § 87(2)(b) or § 87(2)(b). § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Pod: _____

Investigator: _____
Signature Print Date

Supervisor: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date